

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ELLIOT MCGUCKEN, an individual,

Plaintiff,

v.

NEWSWEEK LLC, a New York Limited  
Liability Company; and DOES 1-10, inclusive,

Defendants.

Civil Action No.: 1:19-cv-09617-KPF

**DECLARATION OF SCOTT ALAN  
BURROUGHS**

**DECLARATION OF SCOTT ALAN BURROUGHS**

I, Scott Alan Burroughs, hereby declare as follows:

1. I am above eighteen (18) years of age and am competent to give the testimony set forth below. Said testimony is given from my own personal knowledge. I make this declaration in opposition to Defendant Newsweek Digital LLC (“Newsweek”)’s Motion to Dismiss Plaintiff’s First Amended Complaint dated January 24, 2020 (Dkt. #17). If called as a witness, I could and would competently testify as set forth below.
2. I am a member of the New York Bar admitted to practice before this Court. I am a shareholder of the law firm Doniger / Burroughs, and am lead counsel for Plaintiff Elliot McGucken (“McGucken”) in this action.
3. Attached hereto as **Exhibit 1** is a true and correct copy of an article titled “Dropshipping Journalism” by Daniel Tovrov, publicly available at [https://www.cjr.org/special\\_report/newsweek.php](https://www.cjr.org/special_report/newsweek.php), which was accessed and prepared by my office on April 13, 2020.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the Instagram Post displaying Newsweek's request for a license, which was accessed and prepared by my office on April 13, 2020.
5. Attached hereto as **Exhibit 3** is a true and correct copy of Instagram's Platform Policy, publicly available at <https://www.instagram.com/about/legal/terms/api/>, which was accessed and prepared by my office on April 13, 2020.
6. Attached hereto as **Exhibit 4** is a true and correct copy of Instagram's Terms of Use, publicly available at <https://help.instagram.com/478745558852511>, which was accessed and prepared by my office on April 13, 2020.
7. Attached hereto as **Exhibit 5** is a true and correct copy of Instagram's Community Guidelines, publicly available at <https://help.instagram.com/478745558852511>, which was accessed and prepared by my office on April 13, 2020.
8. Attached hereto as **Exhibit 6** is a true and correct copy of an article featured on SF Gate titled "Rare 10-mile-long lake forms in Death Valley after heavy rains and flooding" by Amy Graff, publicly available at <https://www.sfgate.com/weather/article/lake-Death-Valley-National-Park-flooding-water-CA-13679346.php#photo-17054112>, which was accessed and prepared by my office on April 13, 2020.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: April 13, 2020  
Brooklyn, New York



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SCOTT ALAN BURROUGHS